

REMARKS

Claims 1, 3, 5-7, 9, 12, and 13 are currently pending in the application. This amendment reflects the Examiner's amendment of claim 1 and cancelation of claim 4 in the Notice of Allowability dated July 8, 2009, and the Supplemental Notice of Allowability dated August 18, 2009. The Examiner's amendment incorporated the subject matter of claim 4 into independent claim 1, and canceled claim 4.

By this amendment, claim 12 is re-written in independent form by amending claim 12 to incorporate the subject matter of claim 1 but without the features of now-canceled claim 4. The rejection of claim 12 was reversed in the Board of Patent Appeals and Interferences "Decision on Appeal" that was decided March 11, 2009 (with a notification date of March 12, 2009). Therefore, claim 12 should be allowable without the additional features of claim 4.

The amendment does not necessitate additional search or examination because it does not change the scope of claim 12 from that which was considered by the Board. The amendment was not presented earlier because the Notice of Allowance followed the Board decision.

As such, the above amendment, made prior to the payment of the issue fee, is requested to be entered. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Respectfully submitted,
Thomas GRAFENAUER



Andrew M. Calderon
Reg. No. 38,093

August 25, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191